

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

| | | |
|----------------------------|---|---------------------------------|
| _____ |) | |
| FLAVIA BENITEZ, |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No: 04-CV-11959-NG |
| |) | |
| SODEXHO MARRIOTT SERVICES, |) | |
| Defendant. |) | |
| _____ |) | |

**DEFENDANT'S ANSWER TO THE PLAINTIFF'S AMENDED
COMPLAINT AND DEMAND FOR JURY TRIAL**

The defendant, Sodexho, Inc. ("Sodexho"), misnamed herein as Sodexho Marriott Services, hereby responds to the Plaintiff's Complaint as follows:

JURISDICTION

1. This paragraph contains statements of law which require no response. To the extent this paragraph contains allegations which require a response, those allegations are denied.
2. The defendant denies the allegations contained in this paragraph.

PARTIES

3. The defendant admits that the plaintiff was formerly employed as a cashier at 100 Federal Street, Boston. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in the first sentence of this paragraph and therefore denies the same. The defendant denies the remaining allegations contained in this paragraph.
4. The defendant denies the allegations contained in this paragraph.

STATEMENT OF FACTS

5. The defendant denies the allegations contained in this paragraph.
6. The defendant denies the allegations contained in this paragraph.
7. The defendant denies the allegations contained in this paragraph.
8. The defendant denies the allegations contained in this paragraph.
9. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and therefore denies the same.
10. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and therefore denies the same.
11. The defendant denies the allegations contained in this paragraph.
12. The defendant denies the allegations contained in this paragraph.

The remainder of the plaintiff's complaint consists of a prayer for relief which requires no response. To the extent this paragraph contains any factual allegations, those allegations are denied.

AFFIRMATIVE DEFENSES

First Affirmative Defense

The Plaintiff has failed to state a claim upon which relief can be granted.

Second Affirmative Defense

The Plaintiff's complaint is barred by the applicable statute of limitations.

Third Affirmative Defense

The Plaintiff's complaint must be dismissed as she has failed to exhaust her administrative remedies.

Fourth Affirmative Defense

The Plaintiff is estopped by her own words and conduct from recovering any damages against the defendant.

Fifth Affirmative Defense

The Plaintiff has waived any claim she may have had against the defendant.

Sixth Affirmative Defense

The Plaintiff has failed to mitigate her damages.

Seventh Affirmative Defense

Any and all conduct of the defendant, of which the Plaintiff complains, is privileged or justified.

Eighth Affirmative Defense

The Plaintiff has not suffered any damages as a result of any actions taken by the defendant or its agents.

Ninth Affirmative Defense

The defendant was not the proximate cause of Plaintiff's damages, if any.

Tenth Affirmative Defense

The defendant and its agents acted for legitimate business reasons based on all relevant facts and circumstances known to them.

Eleventh Affirmative Defense

The Plaintiff unreasonably failed to take advantage of any preventative or corrective opportunities provided by the defendant or to avoid harm otherwise.

Twelfth Affirmative Defense

The Plaintiff's claims are barred by the Massachusetts Workers Compensation Statute.

Thirteenth Affirmative Defense

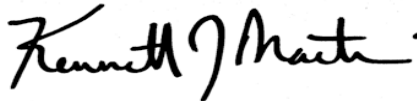
The defendant reserves the right to raise additional defenses during the remainder of this action.

WHEREFORE, the defendant demands judgment against the plaintiff as follows:

- A. Dismissing the Plaintiff's complaint in its entirety, with prejudice;
- B. For costs and attorneys fees for having to defend this action; and
- C. Such other relief as the Court deems just and proper.

THE DEFENDANT DEMANDS A TRIAL BY JURY ON ALL ISSUES SO TRIABLE.

SODEXHO, INC.,
by its attorneys,



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Dated:

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